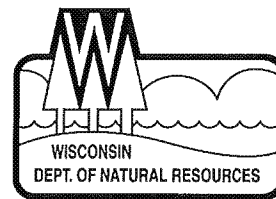


State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
9531 Rayne Road
Suite 4
Sturtevant, WI 53177

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 26, 2018

Don Gibbs,
Plant Manager,
Container Life Cycle Management – St Francis Facility
3950 S Pennsylvania Avenue
St. Francis, WI 53235

AM/7

FILE CODE: 4530
FID NO.: 341158070
PERMIT NO.: 18-RSG-029

Re: June 7, 2018 revised permit application and request for commence construction waiver for CLCM – St. Francis

Dear Mr. Gibbs:

On June 7, 2018, the Southeast Region Air Program of the Department of Natural Resources received the revised air pollution control permit application and the request for a commence construction waiver regarding the proposed construction/modification of several emission sources at the Container Life Cycle Management (CLCM) facility located in St. Francis, Wisconsin.

The department has reviewed your request and justification for a waiver, and has concluded, based upon the requirements under s. NR 406.03(2), Wis. Adm. Code, that the waiver is denied. The department has determined that, based on the information provided by CLCM in the 18-RSG-029 applications and the amount of VOC emissions emitted post scrubber control during the September 19, 2017 stack test, the facility is a PSD major source. Previous projects undertaken by the source should have been subject to Prevention of Significant Deterioration (PSD) permitting, pursuant to ch. NR 405, Wis. Adm. Code. Under s. NR 406.03(2)(f), Wis. Adm. Code, the department may not grant a waiver for a source that requires a permit under ch. NR 405, Wis. Adm. Code. The department has determined that the CLCM – St. Francis facility requires an after-the-fact PSD permit to address VOC and HAP emissions not previously disclosed to the department as part of the original 14-RSG-142 application for this source.

In addition, the department has reviewed the revised application and finds the application as submitted to be incomplete under s. 285.61(2)(b)2., Wis. Stats.. Please provide or address the following to complete the construction permit application:

(1) The revised construction permit application presents the facility as a single process line controlled by a scrubber and the new RTO. Because the facility is a major PSD source of VOCs, it is important to allocate the total VOC emissions to each emission unit to understand, for each unit, the applicability of permitting under ch. NR 405, Wis. Adm. Code. Please provide maximum theoretical and potential VOC emission calculations for each significant unit at the facility, if this information has not already been provided. This request includes, but is not limited to, a request for calculations on the proposed Poly Rinse Tank System (P82) which will replace several existing emissions sources. The facility should clearly explain all assumptions used in these calculations. Please indicate the approximate date of construction and the date of last modification, as applicable, of all significant emission units, including sources that were purchased by CLCM and moved to the Pennsylvania St. location. For those units that need to be reviewed under ch. NR 405, Wis. Adm. Code, the facility will be expected to provide additional information in support of a BACT determination, as applicable.

(2) The revised construction permit application lists a number of insignificant emission units that are or will be controlled by the scrubber and the new RTO, including but not limited to the single flush tank systems, new pressure washers, and wastewater tanks. Please provide maximum theoretical and potential VOC emission calculations for each unit the source has deemed insignificant that emits VOCs. The emission estimates should clearly explain how the emissions were calculated for each emission unit that the source has deemed insignificant.

(3) The revised construction permit application proposes 90% capture and 95% destruction of VOC emissions from all processes exhausting to the scrubber and new RTO. Please provide additional explanation for each controlled emission unit as to why 100% capture cannot be achieved. Please provide additional explanation as to why the RTO cannot achieve a destruction efficiency of more than 95%.

(4) The revised construction permit application indicates the facility would like to be a synthetic minor for VOC emissions under ch. NR 407, Wis. Adm. Code. The facility is currently proposing an emission limitation equivalent to 99.5 tons per year. The department is concerned that the nature of the operations at the facility do not allow for practical enforceability of this proposed limitation. Please explain how the facility can demonstrate compliance with this limitation, given that a significant portion of VOC emissions from the facility are considered fugitive.

Please be advised that this is not a complete review of the 18-RSG-029 construction permit application request or the operation permit application submitted at the same time as 18-RSG-029. Additional information or revisions of the application materials may be needed as the review proceeds. The CLCM - St. Francis facility is currently working through several enforcement actions including a July 19, 2017 Notice of Violation from the WDNR and a November 27, 2017 Notice and Finding of Violations (FOV) from U.S. EPA that will affect the ultimate outcome of the construction and operation permit applications. To the extent issues raised in these enforcement actions affect decisions made in CLCM - St. Francis facility's construction and operation permits, the department is also noting these issues as incomplete in the application until the enforcement is resolved. If you have any questions regarding this matter, please feel free to contact me at (262) 219-7335.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this construction waiver decision, you should know that Wisconsin statutes establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to § 285.81, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file a petition for a contested case hearing on the Secretary of the Department of Natural Resources. Filing of any such petition must be accomplished in the manner prescribed by Wis. Admin. Code § NR 2.03 for service of contested case hearing requests upon the Secretaryⁱ and the petition must set forth specifically the issue sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired.

A person other than a permit holder or applicant may file a petition for a contested case hearing if the requirements of § 285.81(2), Wis. Stats., are met.

For judicial review of a decision pursuant to §§ 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department in the manner prescribed by those statutes. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Sincerely,

Kendra Fisher

Kendra Fisher
Air Program Regional Supervisor,
Southeast Region, Waukesha Service Center

Cc: Jonathan Wright, Air Management – Green Bay Service Center (via email)
James Bonar-Bridges – LS/8 (via email)
Jessica Kramer – Wisconsin DOJ (via email)
Kody Hansen – Env. Enforcement, Green Bay Service Center (via email)
Linda Benfield, Foley & Lardner LLP (via email)
Erik Olson – EPA Region 5 (via email)

ⁱ Wis. Admin. Code § NR 2.03 reads:

Wis. Admin. Code § Service on the department.

All petitions for hearings, petitions for rules, petitions for declaratory rulings, petitions for review of contested case decisions under § NR 2.20, answers and complaints required by any statute or rule shall be served on the department by personal delivery to the office of the secretary, by mailing to the secretary by certified mail, at the following address: PO Box 7921, Madison, Wisconsin 53707-7921, or by facsimile transmission to the secretary at (608) 266-6983. If the petition is served by facsimile transmission, a copy of the petition shall be mailed to the secretary by regular mail within one week of service. Service by mailing shall be deemed to have been made on the date the petition is received by the department. Service by facsimile received after 4:30 PM shall be deemed to have been made on the following day.

